

SECOND REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 2086**  
**91ST GENERAL ASSEMBLY**

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Reported from the Committee on Children, Families and Health, May 7, 2002, with recommendation that the House Committee Substitute for House Bill No. 2086 Do Pass.

TED WEDEL, Chief Clerk

4846L.03C

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**AN ACT**

To repeal sections 196.230 and 196.235, RSMo, and to enact in lieu thereof three new sections relating to sanitation in food establishments, with a penalty provision.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Sections 196.230 and 196.235, RSMo, are repealed and three new sections  
2 enacted in lieu thereof, to be known as sections 196.230, 196.232 and 196.235, to read as  
3 follows:

196.230. **1.** The director of the department of health **and senior services** and [his] **the**  
2 **director's** assistants or agents [by him] appointed **by the director**, the state, county, city and  
3 town health officers shall have full power at any time to enter and inspect every building, room,  
4 basement or cellar, occupied or used, or suspected of being used, for the production for sale,  
5 manufacture for sale, storage, sale, distribution or transportation of food and all utensils, fixtures,  
6 furniture and machinery used as aforesaid, and if upon inspection any food producing or  
7 distributing establishment, conveyance, employer, operative, employee, clerk, driver or other  
8 person is found to be violating any of the provisions of sections 196.190 to 196.265, or if the  
9 production, cooking, preparation, manufacture, packing, storing, sale, distribution or  
10 transportation of food is being conducted in a manner detrimental to the health of the employees  
11 and operatives and the character or quality of the food therein being produced, manufactured,  
12 packed, stored, sold, distributed or conveyed, the officer or inspector, making the examination  
13 or inspection, shall furnish evidence of [said] **such** violation to the prosecuting attorney of the  
14 county in which the violation occurs, and it shall be the duty of all prosecuting attorneys to

**EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

15 represent and prosecute, in behalf of the people, when called upon by the director of the  
16 department of health **and senior services** to do so, all such cases of offenses arising [under]  
17 **pursuant to** the provisions of sections 196.190 to 196.265. When complaint is made by the  
18 [said] director of the department of health **and senior services**, security for costs shall not be  
19 required of the complainant in any case at any time of the prosecution or trial.

20 **2. All state, county and municipal health officials or inspectors shall utilize the most**  
21 **recent Missouri Food Code for the inspection of entities listed in subsection 1 of this**  
22 **section.**

23 **3. The department of health shall notify its division of nutritional health and**  
24 **services of any violation of sections 196.190 to 196.265 by a grocery store that is found**  
25 **during an inspection conducted pursuant to subsection 1 of this section.**

**196.232. Any grocery store, convenience store or food distributing establishment**  
2 **that redeems state-issued Woman, Infant and Children (WIC) food instruments and**  
3 **receives two unsatisfactory health examinations or inspections from the department of**  
4 **health within a three-year period shall be disqualified from the WIC program for a period**  
5 **of not less than six months and not more than one year. Such stores or establishments shall**  
6 **also be subject to any other administrative remedies available under the WIC program.**

196.235. Any person who violates any of the provisions of sections 196.190 to 196.230,  
2 shall be guilty of a misdemeanor, and, on conviction, shall be punished for the first offense by  
3 a fine of not less than [ten] **twenty** dollars nor more than one hundred dollars **a day for each day**  
4 **such violation is not corrected**, or be imprisoned in the county jail not exceeding thirty days,  
5 or both, in the discretion of the court.